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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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QM32/1015

EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/660,995

Applicant(s)

Welss

Examiner

Kim Nguyen

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should not include the form and legal phraseology often used in patent claims, such as "means" and "said," , etc.

The phraseology "said" in the abstract, line 2, should be omitted.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1, lines 4-5, the claimed limitation "means for operating ... wager accepting means" is ambiguous because of the following reasons:

- It is not clear what operates the display? Is it the player who operates the display by selecting a button on the display or is it the CPU which controls the display?

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- Which activates the wager accepting means? Is it the player's selection that activates the wager accepting means or is it the CPU that activates the wager accepting means?

For further examining purpose, the limitation is read as "the CPU operates the display and the CPU activates the wager accepting means".

b. Claim 2, lines 4-5, the claimed limitation "a processor and random generator means coupled to said wager means and said display" is ambiguous. It is not clear whether the processor is coupled to the wager means or the random generator means is coupled to the wager means?

For further examining purpose, the limitation is read as "the processor is coupled to the wager means".

c. Claim 7, line 3, the claimed limitation "which if stopped at trigger an award of credits" is unclear. The claimed limitation is read as "the player is awarded when a vehicle stops at an establishment".

d. Claims 3 and 5-7 are rejected as being dependent on the rejected base claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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5. Claims 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaffe (US. Patent No. 6,254,481).

a. As per claim 2, Jaffe discloses a gaming device which comprises: wager means 18 (Fig. 2); a display 14 (Fig. 2); a processor 20 (Fig. 2), and random generator means (col. 4, lines 8-11).

The processor 20 (Fig. 2) couples to the wager means 18 (Fig. 2), and the display 14 (Fig. 2) to generate a primary game upon activation of the wager means (col. 3, lines 66-67 and col. 4, lines 1-11); a first bonus game is enabled by an outcome from the primary game (col. 4, lines 12-15).

The second bonus game is enabled by an outcome from the first bonus game (col. 8, lines 37-44).

b. As per claim 4, refer to discussion in claim 2 above. The claimed method is the extent of the claimed system of claim 2 above.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffe (US. Patent No. 6,254,481).

As per claim 1 and 3, Jaffe discloses a gaming device which comprises: wager accepting means 18 (Fig. 2); a display 14 (Fig. 2); means 20 (Fig. 2) for operating the display and the wager

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accepting means (col. 4, lines 41-49); a primary game having particular outcomes (col. 4, lines 1-11); first bonus game being accessed via particular outcomes on the primary game (col. 5, lines 63-65); and a second bonus game (col. 8, lines 38-40). The first bonus game includes means to play the second bonus game (col. 8, lines 40-43).

Jaffe does not disclose the second bonus game being accessed via particular outcomes on the primary game. However, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a function call which activates the second bonus game of Jaffe when the primary game has a particular outcome that triggers the second bonus game. The motivation for implementing the function call is to provide the player more chances to play a variety bonus games from the outcomes of the primary game.

***Allowable Subject Matter***

8. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 7 is would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior arts of record does not disclose a gaming device which includes first and second bonus games. The first bonus game is accessed via an outcome on the primary game. The second

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bonus game is accessed via either a particular outcome on the primary game or an outcome from the first bonus game. The first bonus game is defined by a path to be traversed. The path includes spots which award credits when being landed on. The terminus of the path leads to the second bonus game.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - i. Glasson (US. Patent No. 6,290,600) discloses electronic game with moving bonus symbol.
  - ii. Frohm et al (US. Patent No. 6,234,897) discloses gaming device with variable bonus payout feature.
  - iii. Mayeroff (US. Patent No. 6,231,442) discloses video slot machine with multi-choice second bonus.
  - iv. Vancura (US. Patent No. 6,059,289) discloses gaming machines with bonusing.
  - v. Seelig et al (US. Patent No. 5,997,400) discloses combines slot machine and racing game.
  - vi. Bennett (US. Patent No. 6,224,482) discloses slot machine game-progressive jackpot with decrementing jackpot.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thrusday from 7:30AM to 5:30PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Patent Examiner  
AU 3713  
Date: 10/5/2001